

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:09CV211-03-MU

HOWELL W. WOLTZ, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
DENNIS E. BAILEY; JAMES )  
PENDERGRAPH; and MECKLENBURG )  
COUNTY JAIL, )  
 )  
Defendants. )  
 )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** comes before the Court on Plaintiff's Motion for Reconsideration (Doc. No. 16) filed July 13, 2009.<sup>1</sup>

In his Complaint, Plaintiff alleged that the Defendants violated his constitutional rights while housed at the Mecklenburg County Jail. Specifically, Plaintiff contends that his rights were violated because he was denied access to the law library multiple times and for some period of time the law library was completely shut down, thereby allowing no access.

By Order dated June 1, 2009 the undersigned dismissed Plaintiff's case on initial review based on the Supreme Court decision in Bounds v. Smith, 430 U.S. 817, 828 (1977) which requires that prison officials must provide prisoners with either law libraries or person trained in

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<sup>1</sup> Despite Plaintiff's allegation, the undersigned has personally reviewed Plaintiff's Complaint filed on May 27, 2009 which included declarations from Mr. Keith Shropshire and Anthony Darrell Long as well as a handwritten letter from Plaintiff to the Ms. Brown and a summons. The undersigned, not a clerk, also signed the Order dismissing Plaintiff's case on June 1, 2009. Since that time, the undersigned has also received and reviewed various declarations and other materials Plaintiff has submitted.

law. Bounds v. Smith, 430 U.S. 817, 828 (1977). However, a state need not provide both law libraries and advisors. As previously stated in this Court's June 1, 2009 Order, because North Carolina has an established attorney assistance program, law libraries are not required. Plaintiff filed a Notice of Appeal on June 15, 2009.

This Court declines to grant any relief on Plaintiff's motion as he has not presented any basis to disturb this Court's earlier determination regarding his claim. Moreover, Plaintiff's appeal is pending in the Fourth Circuit Court of Appeals.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Plaintiff's Motion for Reconsideration (Doc. No. 16) is DENIED.

**SO ORDERED.**

Signed: July 15, 2009

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

